

**A SUMMARY OF SELECTED BILLS
TRULY AGREED TO AND FINALLY PASSED**

by the

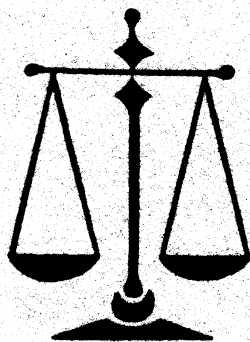
81st General Assembly

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Prepared By

Office of State Courts Administrator

July 1982



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SCHEDULE OF NEW FEES ENACTED BY SB 497

Effective August 13, 1982

<u>Section</u>	<u>Type of Proceeding</u>	<u>Old Fee</u>	<u>New Fee</u>	<u>80% (State)</u>	<u>20% (County)</u>
479.260	Municipal Ordinance violations filed before Assoc. Judge Court Costs	(\$10)	\$15	\$12	\$3
	Trial de Novo application	(\$20)	\$30	\$24	\$6
483.500	Supreme Court and Court of Appeals Fees	(\$20)	\$50	Forward entire fee to appropriate appellate court	
483.530	Circuit Court Fees:				
	Misdemeanor	(\$10)	\$15	\$12	\$3
	Misd: Trial de Novo Application	(\$20)	\$45	\$36	\$9
	Felony: Preliminary Hearing	(\$10)	\$15	\$12	\$3
	Felony: Information or Indictment	(\$15)	\$30	\$24	\$6
	Civil Cases under Chapter 517	(\$10)	\$15	\$12	\$3
	Cases Processed under Chapter 517 or Small Claims Procedures When There is a Trial de Novo Application	(\$20)	\$45	\$36	\$9
	All Other Civil Cases	(\$25)	\$45	\$36	\$9
483.580	Probate Court Fees: Services not specifically provided for in this section.	(Not to Exceed) (\$15)	\$25	\$20	\$5

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INTRODUCTION

In their role of interpreting the statutes of Missouri judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts or which appear likely to come to the attention of the courts within a short time. The individual summaries cover the major points of the bills, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

The effective date for legislation is August 13, 1982, unless otherwise indicated. Two vetoed bills which would have affected the judiciary appear in a separate section at the end of the list.

These summaries were created with the assistance of materials provided by the Senate Divisions of Research and Administration, by the House of Representatives Research Staff and the House Legislative Information System, and by staff of the Committee on Legislative Research of the General Assembly.

For a copy of any bill, please direct your request to:

Senate Bill Room	(Senate Bills)
State Capitol	
Jefferson City, MO 65101	

House Post Office	(House Bills)
State Capitol	
Jefferson City, MO 65101	

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

SENATE BILLS

SB 466 - EDUCATIONAL PROGRAMS FOR JUVENILES IN DETENTION FACILITIES. Requires school districts in St. Louis City, St. Louis County, and Jackson County to provide appropriate educational programs for juveniles who are detained in specified facilities. Within 24 hours (excluding weekends and legal holidays) after ordering the detention of a juvenile of a school age who has not been graduated from the twelfth grade, the court is required to notify the school district responsible for providing an educational program for the juvenile of the name and place of the facility where the juvenile is located. Additional state aid is provided to school districts.

SB 468 - CHILD SUPPORT. Repeals 17 sections and enacts 43 new sections. SB 468 is a major revision of the methods by which maintenance and child support obligations are established and enforced. The act requires circuit clerks to act as trustee for collection and distribution of child support in all dissolution cases in which one of the parties makes the request to the court. Administrative procedures are created which allow the Division of Family Services to initiate the process of establishing support obligations when no court order exists.

The act allows the Division of Family Services to contract with private attorneys for legal actions necessary to establish or enforce support obligations. It changes the interest system for child support and maintenance. Any time a support or maintenance order is entered, the court must order the obligated parent to execute a wage assignment to go into effect under conditions specified in Section 452.350. (For a detailed summary of SB 468, see attachment A)

SB 484 - JUDGMENTS, WHEN LIENS. Repeals Sections 511.350 and 511.500 RSMo 1978 and enacts two new sections. Clarifies which judgments are to be liens on real estate. Judgments issued by the Supreme Court, federal courts having jurisdiction within this state, the Court of Appeals, circuit courts, and the probate division of a circuit court shall be liens against real estate once they are recorded by the clerk of the circuit court. Judgments rendered by associate divisions of circuit courts shall not be liens against real estate until they have also been filed with the clerk of the circuit court in accordance with Sections 517.770 and 517.780 RSMo. Judgments and decrees rendered by the small claims court or the municipal division of a circuit court may never be liens against real estate.

HCS/SCS/SB 490 - BANKRUPTCY EXEMPTIONS. Repeals Sections 376.560, 378.220, 513.430, 513.435, 513.440, 513.475, 513.480, 513.490 and 513.515 RSMo 1978 and enacts seven new sections. Updates the laws pertaining to property which may be exempted from attachment, execution, and bankruptcy proceedings. Repeals exemptions which have become archaic and replaces them with more current exemptions. Makes the homestead exemption available to any person, not just heads of households. The homestead exemption can be taken by more than one owner of any homestead only if the exemptions allowed do not exceed, in the aggregate, the total value of the homestead exemption stated in Section 513.475 (\$8,000).

CCS/SB 497 - ADMINISTRATION OF JUSTICE. CCS/SB 497 increases statutory salaries in the judicial branch and enacts a new section which allows annual requests through the appropriations process for adjustments to statutory salaries at levels similar to other state employees. The act generates revenue by increasing various court costs and fees. Many other provisions relating to the administration of justice are included. (For detailed summary, see attachment B)

SB 499 - HEIRSHIP PROCEEDINGS. Repeals Section 474.490 RSMo Supp. 1981 and enacts one new section. Sets forth the manner in which a person may disclaim the transfer of any property, interest, or power. The disclaimer must be in writing, identify the transfer being disclaimed, be signed by the disclaimant or one with authority to sign on his or her behalf, and must be received no later than nine months after the effective date of the transfer. The disclaimer may be filed in the probate division of the circuit court where probate proceedings commenced and may be filed with the recorder of deeds if real property is involved.

HS/HCS/SCS/SB 513 - DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. Senate Bill 513 repeals sections 58.445, 58.449, 302.060, 302.160, 302.225, 565.005, 577.010, 577.012, 577.020, 577.030, 577.040 and 577.050 RSMo 1978 and Section 302.302 RSMo Supp. 1981 and enacts 23 new sections. It restructures the laws relating to operation of a motor vehicle while under the influence of alcohol, controlled substances, or other drugs or substances, with penalty provisions. Reporting by clerks under Section 302.225 is changed, and Sections 302.302(4), 577.049(3), and 577.051 create additional reporting duties. (For detailed summary, see Attachment C)

SB 519 - CRIMES COMMITTED ON BUSES AND IN BUS TERMINALS. Creates new criminal sections to provide for the safety of passengers on buses and in bus terminals. Defines and provides penalties for the following felonies: bus hijacking; assault with the intent to commit bus hijacking; such assault combined with use of a dangerous or deadly weapon; possessing a dangerous or deadly weapon, explosives, or hazardous

material on a bus or in a terminal; bombing or threatening to bomb a bus or terminal; and removing baggage or cargo without consent. While on a bus or in or around a terminal, it is unlawful to threaten a breach of the peace, use obscene language, act under the influence of alcohol or drugs, or refuse to obey a bus driver or other bus company representative. It is also unlawful to drink liquor on a non-chartered bus. Such offenses are class C misdemeanors. Persons may be restricted from bus terminals unless they have bona fide business.

HS/HCS/SS/SB 522 - DRUGS AND CONTROLLED SUBSTANCES. Repeals Sections 195.010, 195.020, 195.135, 195.140 and 195.200 RSMo 1978 and enacts 12 new sections. Defines drug paraphernalia and imitation controlled substances (kiddie dope) and establishes penalties for their possession, manufacture, delivery and advertising. Authorizes issuance of a search warrant for drug paraphernalia and imitation controlled substances. Sections 2-8 of the bill make illegal and establish penalties for the possession, use and sale of solvents, particularly toluol, for the purpose of inducing intoxication, euphoria, or other specified effects.

SB 630 - RELEASE OF PERSONS COMMITTED TO THE DEPARTMENT OF MENTAL HEALTH. Repeals Section 632.475 RSMo Supp. 1981 and enacts two new sections (552.090 and 632.475 RSMo). SB 630 outlines procedures to be used for consideration of conditional release of persons committed to the Department of Mental Health under any of the provisions of Chapter 552 who have been acquitted by reason of mental disease or defect or found unfit to proceed to trial on charges of any sexual offenses or felony offenses against persons. (For detailed summary, see Attachment D)

SCS/SB 643 - DISQUALIFICATION OF PRESIDING JUDGE. Repeals Section 478.255 RSMo Supp. 1981 and enacts one new section. In any circuit with four circuit judges or less, when a presiding judge elects to hear and determine a case but subsequently is disqualified, the presiding judge may assign another qualified judge within the circuit to hear and determine the case.

SRB 680 - PRACTICE OF LAW. (Revision Bill) Repeals Sections 484.020, 484.040, 484.050, 484.060, 484.070, 484.080, 484.090, 484.100, 484.110 and 484.120 RSMo 1978 and enacts two new sections. Specifies that the power to admit and license attorneys is regulated by Supreme Court rule and not by statute. Eliminates statutes concerning admission and licensure that have been superseded by Supreme Court authority. Makes a change in Section 484.020 regarding practice of law by professional corporations.

SRB 700 - ADMINISTRATION OF ESTATES. (Revision Bill) Repeals Sections 473.340, 473.503 and 490.620 RSMo 1978, and Sections

473.085, 473.333, 473.433, 473.837, and 473.840 Supp. 1981, and enacts seven new sections. Makes changes in probate code as suggested by the Missouri Bar. Clarifies sectional references and eliminates potential ambiguities in the probate code.

SB 722 - FEES OF GUARDIAN AD LITEM TO BE TAXED AS COSTS. "In any court case or proceeding in which a guardian ad litem is appointed by the court to safeguard the interests of a minor and in which the minor is not a party, the court may allow the guardian ad litem a reasonable compensation for his services, which shall be taxed as costs in the case or proceeding." (Provisions regarding guardian ad litem fees are also included in SCS/HCS/HBs 1171, et al.)

SB 785 - MARRIAGE BETWEEN CERTAIN PERSONS. Repeals Section 451.115 RSMo 1978 and enacts one new section. Removes criminal penalty for solemnizing a marriage when one of the parties is an epileptic. The penalty for solemnizing a marriage with the knowledge that the marriage is unlawful or criminal or that one of the parties is improper as specified in the statute, or for falsely representing that one has the authority to solemnize marriages, is lowered from one year in jail and/or a \$500 fine to a class C misdemeanor.

HOUSE BILLS

HJR 57 - SUPREME COURT JURISDICTION. The joint resolution would repeal Section 3 of Article V of the Constitution and adopt one new section. Would give jurisdiction in life imprisonment cases to the Court of Appeals. (Subject to the approval of the voters in the November general election.)

HB 1069 - COUNTY HEALTH AND HOSPITAL SERVICES. (Domestic Violence Shelters). Repeals Sections 192.270 and 205.042 RSMo 1978 and Section 205.190 RSMo Supp. 1981 and enacts ten new sections. Section 3 allows the governing body of a county or St. Louis City by order or ordinance to impose a \$5.00 fee upon the issuance of a marriage license and a \$10.00 fee upon entry of a decree of dissolution of marriage, to be paid to a fund to provide financial assistance to shelters for victims of domestic violence. An authority designated by the city or county governing body would administer the distribution of the funds to the shelters which apply for assistance. The fee imposed upon a dissolution decree is to be collected by the clerk as other costs of the proceedings are collected.

HB 1147 - OATH OF SHERIFF & DEPUTIES BEFORE IMPANELING A JURY. Repeals Section 494.070 RSMo 1978 requiring the clerk to administer an oath to the sheriff and deputies before a jury is impaneled.

HCS/HB 1169 - STATE PUBLIC DEFENDER SYSTEM. Repeals Section 105.710 and 33 sections of Chapter 600 RSMo and enacts 17 new sections. A seven member Public Defender Commission continues to oversee the program. Four of the members are to be lawyers and new members are to be appointed by the governor with the advice and consent of the Senate. The Office of State Public Defender is created under Section 600.019 as an independent department of the judicial branch. Qualifications of the state public defender director are stated in the same section.

The Public Defender Commission has the authority to establish local or regional public defender offices; contract with private attorneys to perform defense services in such areas of the state and on such terms as it deems appropriate; fix the compensation of public defenders and of assigned counsel, who may be hired from time to time on a case basis; and set standards for eligibility for representation. Section 600.042 (3) states the situations in which legal services are to be provided. Previous statutory authority for public defender offices in specific circuits has been repealed.

Indigency is determined by the defenders, subject to appeal to the court. Provision is made for recoupment if the defendant becomes able to meet all or a part of the cost of legal services. Under Section 600.090, the reasonable value of services may be a lien on any property to which the defendant acquires an interest.

Section 600.021 provides that no public defender or assistant public defender shall continue in his position after becoming a candidate for nomination or election to any public office.

This law became effective April 1, 1982.

SCS/HCS/HBs 1171, 1173, 1306 & 1643 - CHILD CARE AND FOSTER CARE. Repeals 49 sections of law and enacts 44 new sections. The bill includes sections addressing redefinition of abuse, reporting and investigation of child abuse/neglect referrals, temporary custody, and the licensing of foster homes, day care homes, day nurseries, and residential care facilities. Other provisions are covered in a detailed summary. (See Attachment E.)

HB 1201 - POSSESSION OF FIREARMS. Repeals Section 556.061 RSMo 1978 and Sections 571.070 and 571.090 RSMo Supp. 1981 and enacts four new sections. Section 556.061 expands the definition of "dangerous felony" to include armed criminal action, arson, causing catastrophe, felonious restraint, and forcible sodomy, or the attempt to commit these felonies. Section 571.070 redefines the crime of unlawful possession of a concealable firearm. Section 571.017 provides that, except as provided in subsection 4 of Section 571.015, nothing shall prevent imposition of sentences for both armed criminal action and the crime committed by a dangerous instrument or

deadly weapon. The bill makes changes in Section 571.090 concerning permits to acquire concealable firearms.

HB 1223 - DETERMINATION OF HUMAN DEATH - States that for all legal purposes, the occurrence of death shall be determined in accordance with the usual and customary standards of medical practice, provided that minimal conditions specified in the act have been met.

HB 1253 - "OPEN MEETINGS" LAW. Repeals Sections 610.010, 610.020, 610.025, and 610.030 RSMo 1978 and enacts six new sections. Changes definition of "public governmental body" and "public record". Section 610.020 establishes specific notice requirements which must be complied with prior to any public governmental body holding a meeting. Before any meeting, record, or vote, can be closed, it must fall within the provisions of Section 610.025 and receive an affirmative public vote of a majority of a quorum of the body. The vote of each member must be announced publicly in an open session and entered in the minutes.

Section 610.027 provides penalty provisions for violations, including civil fines of up to \$100 and all costs and attorney's fees. The court may void the action taken in the closed meeting, record or vote. A public body in doubt about the legality of closing a particular meeting, record, or vote may bring suit in the circuit court of the county of the body's principal place of business to ascertain the propriety of the action or may seek a formal opinion of the attorney general or an attorney for the body. Under Section 610.030, circuit courts have jurisdiction to issue injunctions to enforce Sections 610.100 to 610.115 (relating to arrest records.)

HCS/HBs 1454, 1131 and 1203 - CRIME OF TAMPERING. Repeals Sections 301.390, 301.400, 569.080 and 569.090 RSMo 1978 and enacts nine new sections. Adds farm machinery, farm implements and construction implements to the provisions regarding tampering in Sections 301.390 and 301.400 and states the penalties for violations of these sections. Tampering in the first degree under Section 569.080 is expanded to include automobiles, airplanes, motorcycles, motorboats, and other motor-propelled vehicles. The penalty for tampering in the first degree is increased from a Class D to a Class C felony. The type of tampering with utility property which constitutes tampering in the second degree under Section 569.090 is defined more explicitly, and second and subsequent offenses are made a Class D felony. The bill establishes and defines in Section 570.085 a crime of alteration or removal of item numbers. Sections 2-5 of the bill establish and provide penalties for three new offenses relating to computer crimes: tampering with intellectual property; tampering with computer equipment; and tampering with computer users.

HB 1565 - DEPARTMENT OF MENTAL HEALTH OPERATIONS. Repeals Sections 630.005, 630.125, 630.170, 630.210, 630.305, 630.320, 630.330, 630.530, 630.705, 630.735, 632.310 and 633.020 RSMo Supp. 1981 and enacts 13 new sections. A new subsection 4 of Section 632.310 permits the Department of Mental Health to require community-based facilities, pursuant to a contract and an affiliation agreement, to accept intoxicated persons on an involuntary basis for up to 96 hours. Previously, only mental health facilities could accept intoxicated persons. Section 632.455 authorizes the sheriff of the county where an involuntary patient absent without leave is found to apprehend and return him to the mental health facility. Other provisions of the act clarify definitions and revise fiscal practices.

HCS/HBs 1720, 1645 & 1276 - STATE'S CONTRIBUTION TO STATE HEALTH INSURANCE & RETIREMENT SYSTEMS. Repeals 14 sections and enacts 15 new sections relating to state employee retirement systems. This bill provides part of the pay package adopted for state employees for fiscal year 1982-1983. The amount of the state's contribution to the state health insurance plan is increased from \$35.65 per month per employee to \$55.40 each, an increase of \$19.75.

Subsections 6 and 7 of Section 104.345 appear to provide for prior service credit for clerks not previously granted this credit. (See attachment F)

VETOED BILLS

HB 977 - VISITATION RIGHTS OF GRANDPARENTS AND STEPPARENTS.

Would have repealed Section 452.402 RSMo 1978 and enacted one new section.

HCS/HB 1041 - LICENSING OF BAIL BOND AGENTS. Would have required licensure of bail bond agents by the Division of Insurance.

The bill included other provisions relating to bail bonds, including extension to 18 months of the period allowed before forfeiture of the bond.

SENATE BILL 468
CHILD SUPPORT ENFORCEMENT
DETAILED SUMMARY

Senate Bill 468 begins with sections numbered 1-25, followed by revisions of Section 208.040 (1)-(3) RSMo, of various sections of Chapters 452 and 454, and of Section 516.350 RSMo. The summary below is arranged in order of these section numbers.

A. Sections 1-9

Provisions formerly contained in Sections 207.025 and 208.045 RSMo and subsections 4 and 5 of Section 208.040 RSMo have been rewritten into new, separate sections, which appear as Sections 1-9 of SB 468. These sections include the following changes:

(1) The Division of Family Services may enter into cooperative agreements with attorneys other than prosecuting attorneys to litigate or prosecute support actions.

(Section 1)

(2) Parents who are obligated to make periodic monetary support payments may also be ordered to maintain medical insurance on behalf of the child for whom support is owed.

(Section 8)

(3) Authorized persons may obtain information from the federal Parent Locator Service not only for support purposes but also for the purpose of determining the whereabouts of any absent parent or child in situations involving the unlawful taking or restraint of a child, or of making or enforcing a child custody determination. (Section 9)

(4) The clerk of the court is made trustee for child support payments due persons who are not public assistance recipients but are receiving support enforcement services under Section 6. Upon notice by the Division of Family Services that a person is receiving support enforcement services, the court shall order all support payments to be made to the clerk as trustee. (Section 7)

(5) Prosecutors in Jackson County and St. Louis County receive the same extra pay provided in other counties.

(Section 8)

Among the provisions formerly contained in Sections 207.025 and 208.045 RSMo and subsections 4 and 5 of Section 208.040 RSMo which have been "reshuffled" without substantial change are:

(1) Provisions requiring county cooperation through cooperative agreements for the purpose of utilizing the resources of the counties in the enforcement and collection of support obligations; (Section 2)

(2) Provisions formerly contained in subsection 5 of Section 208.040 whereby the clerk of the court is made trustee for the Division of Family Services for the collection of support payments which have been assigned to the state; (Section 4).

(3) Sections stating the duties placed on prosecutors, although now other attorneys who enter into cooperative agreements with the division will perform the same duties; (Sections 5 & 8)

(4) Provisions providing for a special prosecutor (formerly in subsections 6 and 7 of Section 207.025).

B. Sections 10-25

The majority of the material in these sections is new. Major provisions are outlined below:

(1) Clerks Cannot Charge Fees - No deposit or other fees shall be charged the Division of Family Services, or any attorney acting pursuant to a referral of the division, by any circuit clerk or any other state or county officer for the filing of any action or document necessary to establish paternity or to establish or enforce a child support obligation. (Section 10)

(2) State Debt - Payment of public assistance on behalf of a child (AFDC recipient) creates a "state debt" which is owed by the absent parent(s) in an amount equal to the public assistance. When a court order exists obligating a parent to pay a certain amount for child support, the amount in the order, plus arrearages and unpaid medical expenses, shall be the amount of the state debt up to the full amount of the public assistance paid.

Payment of public assistance on behalf of a child gives the state certain rights under subrogation to payments owed by a third party--usually a parent--for the support of the child, and the state can utilize any administrative remedy existing under state law to obtain reimbursement of moneys expended for the child's support. (Section 14)

(3) Collection of Support by Private Attorneys - Once a person has made an assignment of support rights to the division, that person cannot make any agreement with a private attorney or other person for the collection of the assigned support obligations without the division's approval. Subsection 3 of Section 11 provides for a fee to be paid to an attorney who in good faith and without knowledge of the assignment collects all or part of the support obligation. The fees are established as the court shall determine - but shall not exceed 25 percent of the support obligation collected.

(4) Stealing Child Support Payments - A person who takes, obtains, uses, transfers, conceals or retains possession of child support payments assigned to the division is guilty of stealing under Section 570.030 RSMo. (Subsection 4 of Section 11)

(5) Finding of Financial Responsibility - Division of Family Services Responsibilities - At any time after the Division of Family Services is assigned support rights or a public assistance payment is made, the director of the division may, if there is no court order establishing support obligations, issue a notice and finding of financial responsibility. The notice and finding must be served by the division on the absent parent in the same manner as civil process is served. Section 15 specifies 12 items of information which must be included in the notice, including notification that if the parent responds within the stated time limit, he has the right to a hearing in the circuit court.

The notice includes the amount of monthly support for which the parent shall be responsible. If the division has sufficient information regarding the financial and living situation of the parent, it shall use the scale and formula established under Section 16 to set the payments to be made by the parent each month. If no such information is available to the division, it shall estimate what the parent is able to pay.

If the parent does not exercise the right to request a hearing on the director's finding of financial responsibility, then the director may enter an order in accordance with the notice sent to the parent. The order will specify the amount of support to be paid, the amount of state debt accrued, the name of the person or agency having custody of the child, the name and birthdate of the child, a statement that the property of the parent is subject to collection actions, and a requirement that the parent provide medical insurance for the child. The Division of Family Services must send a copy of the order to the parent by registered or certified mail. The order is final and may be enforced from the date of issuance. (Section 15)

(6) Finding of Financial Responsibility - Circuit Court Responsibilities - Section 18 establishes procedures for the circuit court hearing available to the parent who is served with a notice and finding of financial responsibility.

Orders of the Family Services director regarding findings of financial responsibility may be filed in the office of the circuit clerk in the county in which either the parent or the child resides. Upon filing, the clerk shall enter the order in the judgment docket. Once docketed, the order shall have all the force, effect, and attributes of a decree of the circuit court, and the docketing authorizes the court to make the circuit clerk the trustee for the division or other person entitled to support payments under the order. The court need not hold a hearing on the matter. (Sections 19-20)

When made a trustee, the circuit clerk shall forward "forthwith" all payments to the division or other person entitled to receive them, shall keep an accurate record of the orders and payments, and shall report all collections to the division in the manner specified by the division. (Section 20)

Section 17 provides procedures for establishing paternity by consent of the parties as part of support proceedings under Sections 13-23 of this act.

(7) Motions for Modification - Section 21 sets forth procedures for motions for modification of orders entered under Sections 13-23 of this act. Under subsection 4 of this section, the circuit court has the power to relieve any parent from an administrative order entered against the parent through mistake, inadvertence, surprise, or excusable neglect.

(8) Income Withholding Orders - The Family Services director may use income withholding orders to recover both arrearages in support payments and current support payments owed under orders of financial responsibility entered under Section 15. Such orders by the director apply not only when the parent owing payments works for a private employer, but also when the parent works for the state or any of its political subdivisions. The employer may deduct up to \$1.00 for reimbursement of costs. An employer who willfully fails to withhold or pay the amount ordered is liable for that amount, but an employer who complies with an order cannot be liable to the parent for wrongful withholding. (Section 22)

(9) Liens - Judgments or orders for support payments cannot be liens on real estate until they have been properly recorded by the circuit clerk of the county in which the real estate is located, and, upon request of the person entitled to receive payments. Such liens shall be good for ten years and are to be treated and revived as provided for other liens under Chapter 511 RSMo. Courts may release property from such liens when the release is not requested to avoid payment and will not substantially reduce the security. As a condition of release, the court may require the obligor to post a bond or execute a wage assignment. Liens under this section shall be discharged when the child in question reaches the age of 21, is otherwise emancipated, or dies, and all arrearages have been paid in full. (Section 24)

(10) Interest on Delinquent Payments - Section 25 states procedures for determining and collecting interest on delinquent child support and maintenance payments. Delinquent payments based on judgments on or after September 1, 1982, draw interest at one percent per month. Subsection 5 of Section 25 places the responsibility on the obligee for presenting to the circuit clerk the payment history of the obligor together with a computation of the interest claimed to be due and owing and further states that it is not the responsibility of the circuit clerk to compute interest.

C. Section 208.040(1) -(3) - Aid to Families with Dependent Children

Revisions bring this section into conformity with federal requirements for Aid to Families with Dependent Children. AFDC will be granted for children under 18 years, or under 19 and a full-time student in a secondary school or vocational or

technical training, if the program can be expected to be completed by age 19.

D. Chapter 452 RSMo - Marriage Dissolution, Divorce, Alimony, Maintenance

(1) Circuit Clerk Required to Act as Trustee

Under Section 452.345(1), the court, upon its own motion, may, or upon the motion of either party, shall order maintenance or support payments to be made to the circuit clerk as trustee. Subsection 4 allows the circuit clerk to send notices of arrearages by regular mail rather than certified or registered mail. Other provisions of Section 452.345 regarding duties of the circuit clerk and prosecuting attorney are unchanged.

(2) Mandatory Wage Assignment - All orders for child support or maintenance shall include an order directing the person obligated to pay support or maintenance to assign part of his earnings or other income to the person entitled to receive the payments or to the circuit clerk as trustee. If such assignment is not entered by the person obligated to pay within ten days, the court shall enter the assignment on his behalf. Provisions have been included to allow persons who now have support or maintenance orders to also petition the court for a mandatory assignment of earnings or income by the obligor of the payments.

For an income assignment executed under this section to come into effect, the payment must be at least 20 days delinquent; the person entitled to the payment must make application to the circuit clerk; and the clerk must send notice by registered or certified mail within ten days of the application to the party who owes the payment. The income assignment goes into effect 20 days from the date of the notice unless the person who owes the obligation requests a court hearing within the 20 day period. The court may grant relief from the assignment upon showing of extraordinary circumstances, but the next time a payment is missed, the assignment goes into effect 20 days after the notice with no opportunity for a hearing.

Employers are obligated to honor all assignments made in accordance with this section and failure to honor these assignments makes the employer liable for the amount assigned. The employer is to receive up to \$1.00 for each payment. "Employer" includes the state and its political subdivisions. (Section 452.350)

(3) Other Provisions Regarding Support, Custody and Visitation Rights - Various changes have been made in a number of sections of Chapter 452 RSMo, some of them designed to treat both spouses more equally and to assure visitation rights of the noncustodial parent. For example:

(a) Proceedings for Modification of Child Support Awards: When determining whether or not a substantial change in circumstances has occurred, the court shall take into consideration the financial resources of both parties, including the extent to which

the reasonable expenses of either party are or should be shared by a spouse or other person with whom a spouse is cohabiting and the earning power of a party who is not employed. (Subsection 1 of Section 452.370)

When support rights have been assigned to the Division of Family Services and either party initiates a motion to reduce the support obligation, the State of Missouri must be named as a party to the motion. Service on the state is accomplished by sending a copy of the motion by certified or registered mail to the prosecuting attorney of the county where the motion is filed. (Subsection 4 of Section 452.370)

(b) No Preference in Custody Awards: When awarding custody of a child to one or the other parent, no preference may be given either parent for the sole reason that the parent is the mother or father, nor because of the age or sex of the child. (Subsection 2 of Section 452.375)

(c) Removal of Child from State: The custodial parent may not remove the child from this state for a period exceeding 90 days, nor change the child's residence to another state, except upon court order or with the written consent of the noncustodial parent. When the noncustodial parent has visitation rights, no court order allowing the removal of the child may be issued until the noncustodial parent has had notice and an opportunity for a hearing. (Subsection 3 of Section 452.375)

(d) Enforcement of Visitation Rights: Attorneys' fees and costs of proceedings to enforce visitation rights shall be assessed against the parent who unreasonably denies or interferes with visitation, and the court may use any and all powers relating to contempt conferred on it by law or rule of the Supreme Court. (Subsection 4 of Section 452.400)

E. Chapter 454 RSMo - Uniform Reciprocal Enforcement of Support Law

SB 468 amends certain sections of Missouri's Uniform Reciprocal Enforcement of Support (URES) Law. Such amendments include:

(1) Broadening the definition of "state" to include foreign countries; (Section 454.020)

(2) Extending the duty of support to include arrearages; (Section 454.090)

(3) Making URES procedures for enforcing orders available to persons who are both residents of this state. (Section 454.355)

F. Section 516.350 - Statute of Limitation

Currently orders and judgments for child support lapse after ten years from the date of issuance or ten years after revival of the order. Under this act each payment is treated

separately, and each periodic payment shall be presumed paid and satisfied after the expiration of ten years from the date the periodic payment is due unless the judgment was otherwise revised as set out in subsection one of this section.

*Based on material prepared by staff of Committee on Legislative Research.

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL 497
(CCS/SB 497)
ADMINISTRATION OF JUSTICE
DETAILED SUMMARY

CCS/SB 497 increases statutory salaries in the judicial branch and enacts a new section which allows annual requests through the appropriations process for adjustments to statutory salaries at levels similar to other state employees. The act generates revenue by increasing various court costs and fees and contains many other provisions relating to the administration of justice. Provisions are outlined briefly below:

1. Statutory salary increases: Amends Sections 211.381, 477.130, 478.013, and 485.060 RSMo to provide salary increases in amounts determined by a formula of $\$840 + 2\%$ of current salary to state-paid juvenile officers, county-paid classified deputy juvenile officers, supreme court and court of appeals judges, circuit judges, associate circuit judges and court reporters.

Repeals population-assessed valuation schedule for circuit clerks' salaries in Section 483.083 RSMo and enacts a new section which sets out three salary levels based on class of county only. Salaries of juvenile commissioners are set at same level as associate circuit judges (Section 211.023 RSMo).

2. Annual salary review: Section 1 (page 36 of the Truly Agreed To bill) allows requests for statutory salary increases in the judicial branch to be built into the regular annual appropriations process. Such increases are not automatic, but may be requested at levels similar to pay increases for other state employees. This section has a termination date of January 1, 1987.
3. Increases in court costs and fees: Makes the following increases in court costs and fees:

<u>Section</u>	<u>Fee</u>	<u>Increase</u>
479.260	Municipal ordinance violation filed before an associate circuit judge: -Court Costs -Trial de novo application	from \$10 to \$15 from \$20 to \$30
483.500	Supreme Court and Court of Appeals fees	from \$20 to \$50; reasonable fee for other services, such as photocopying.

Section	Fee	Increase
483.530	Circuit court fees:	
	-Misdemeanor	from \$10 to \$15
	-Misdemeanor: Trial de novo application	from \$20 to \$45
	-Felony: Preliminary hearing	from \$10 to \$15
	-Felony: Information or indictment	from \$15 to \$30
	-Civil cases under Chapter 517	from \$10 to \$15
	-Cases processed under Chapter 517 or small claims procedures where there is a trial de novo application	from \$20 to \$45
	-All other civil cases	from \$25 to \$45
	-Probate fees not specifically provided for in Section 483.580: maximum amount	from \$15 to \$25
4.	<u>Small claims jurisdiction:</u> Amends Section 482.305 to increase the dollar limit on the jurisdiction of the small claims court from \$500 to \$1,000.	
5.	<u>Judicial Finance Commission:</u> Amends Section 50.640 and adds new Section 2 to create commission to mediate budget disputes between county governing body and circuit court. Sets forth powers and duties of the commission. Staff is to be provided by Supreme Court clerk. These sections are subject to an emergency clause making them effective upon approval by the governor. (June 4, 1982)	
6.	<u>Juvenile provisions:</u> Allows transfer of status offenders from juvenile court to Division of Family Services (Section 207.020). This section is subject to an emergency clause, making it effective June 4, 1982. Authorizes a program of conditional release of juveniles (Section 211.141). Expands definition of places where child may be detained and clarifies conditions under which child may be held in a jail or other adult detention facility (Section 211.151). Increases reimbursement by the state to the county for housing juveniles in county facilities from \$50 per month to \$8 per day. Circuit court, rather than county court, is to submit voucher or order to the state. The voucher or order must certify the child was detained only as provided by Section 211.151. (Section 211.156). Makes technical change permitting state payment of juvenile officer in the 11th Circuit (Section 211.393). Specifies that willful violation of any lawful order of the court or of any provision of Chapter 211 by a person 17 years or over as a class A misdemeanor. (Section 211.431).	
7.	<u>Judges' retirement:</u> (Originally introduced as SB 604): Allows a person presently receiving judicial retirement benefits under the "one-half system," i.e., one-half of compensation at time of retirement, to elect to become a	

special commissioner or referee and receive compensation under the "one-third system," i.e., one-third of the current compensation provided the office from which the person retired. (Section 476.595) Survivor benefits are made available to judges retired on the "one-third" system. (Section 476.597)

8. Circuit courts - Availability for bond: Section 3 requires circuit courts by local rule to adopt a procedure insuring availability at all times of a circuit judge or associate circuit judge to admit persons to bail.
9. Commission on Detention Facilities: Sections 4-6 create a Commission on Detention Facilities to study and recommend minimum standards for local detention facilities. Sections 4, 5 and 6 terminate July 1, 1983.
10. Crime victims' compensation: Amends Section 595.010 to limit crime victims' compensation benefits to Missouri residents. Amends Section 595.045 to make defendants given a suspended imposition of sentence or placed under the supervision of county parole officers liable for the \$26 judgment to be paid into the Crime Victims' Compensation Fund. Requires interest earned on the Crime Victim Compensation Fund to be paid into the fund rather than into general revenue.
11. Certified mail: (Originally introduced as HB 1300): Amends Section 473.663 to allow mailing of notice by certified mail in heirship proceedings.
12. Supreme Court Marshal: Clarifies authority of Supreme Court Marshal. (Sections 547.330, 547.340, 547.350)
13. Jury lists - Jackson County: (Originally introduced as HB 996): Allows Jackson County Board of Jury Supervisors to consult any public records in preparing new jury lists. (Section 497.130) The questionnaire currently required to be filled out by prospective jurors is repealed.
14. Use of registry funds: Amends Section 483.310 to allow additional uses for circuit court registry funds: Publications available pursuant to Section 477.235 (Supreme Court Publications Revolving Fund), books and publications of the Missouri Bar, and books and other publications and materials published by the State of Missouri.
15. Other provisions: Supreme Court librarian may collect reasonable fees for reproduction of legal materials and make expenditures from these fees, up to a specified amount, to secure legal materials (new Section 180.130); amends Sections 483.505 and 483.510 to eliminate quarterly reports to the state auditor of fees collected by the Supreme Court and the Court of Appeals.

SENATE BILL 513

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Detailed Summary

Senate Bill 513 revises statutes relating to the operation of a motor vehicle while under the influence of alcohol, controlled substances or drugs. Sections 58.445, 58.449, 302.060, 302.160, 302.225, 565.005, 577.010, 577.012, and 577.020 RSMo 1978 and Section 302.302 RSMo Supp. 1981 are repealed with new sections enacted in their place; Sections 577.030, 577.040 and 577.050 RSMo 1978 are repealed and not reenacted; and 13 new sections of Chapter 577 are enacted. The following summary is arranged in approximately the same order as the statute sections.

A. Sections 58.445 and 58.449 RSMo: Deaths Due to Motor Vehicle Accidents

Medical examiners are required by Section 58.445 to report traffic deaths to the Division of Highway Safety after making tests for the presence of alcohol or drugs. Formerly only coroners were specified in the law. The coroner or medical examiner must investigate and report the death of any person dying within four hours and as a result of a motor vehicle accident. Duties under the former statute were related to the death of any "driver or pedestrian". Under Section 58.449, the findings of these tests are to be used primarily for statistical purposes and are not to be public information; "however, the contents of the report and the results of any test so made shall be released upon the issuance of a subpoena duces tecum by a court of competent jurisdiction for use in any civil or criminal action arising out of the accident." Formerly the coroner's reports could be used only for statistical purposes.

B. Chapter 302: Drivers' and Chauffeurs' Licenses.

Revisions within this chapter include the following changes:

(1) Restoration of Driving Privileges: Provision is made in subsection 9 of Section 302.060 for a person twice convicted of driving while intoxicated to petition the circuit court for restoration of driving privileges. Ten years must have elapsed since the last conviction for an alcohol or drug related offense, and the court must determine that the person no longer poses a threat to public safety.

(2) Denial of License: Conviction for vehicular manslaughter is added to the list of reasons for denial of a driver's license by the director of revenue under Section 302.060.

(3) Out-of-State Convictions: Section 302.160 authorizes the director of revenue to assess points upon notice of out-of-state convictions for offenses which would result in six or eight points if committed in Missouri. The law formerly allowed assessment of points only for offenses equivalent to twelve points.

(4) Reporting to Highway Patrol Rather than Director of Revenue: Under Section 302.225, the court is required within 15 days to forward to the Missouri State Highway Patrol upon forms approved by the Department of Public Safety "a record of any plea or finding of guilty of any person in the court for a violation of this chapter or for any moving traffic violation under the laws of this state or county or municipal ordinances". The Highway Patrol is required to enter the record related to offenses involving alcohol, controlled substances, or drugs in the Missouri uniform law enforcement system records and to forward the record of convictions involving points to the director of revenue. (Note: Reporting to the Department of Revenue continues under the old statute until the reporting requirements under this section become effective July 1, 1983.)

Under Section 302.255, the responsibility of the circuit court in which a person is convicted of any offense or a series of offenses which makes mandatory the suspension of the operator's or chauffeur's license still requires that the court shall, within ten days thereafter, forward the license and a record of the conviction to the Director of Revenue.

(5) Points Assessed for Alcohol and Drug Related Driving Offenses: The penalty under Section 302.302 for the first offense of driving while intoxicated or under the influence of controlled substance or drugs is lowered from twelve to eight points. Formerly "controlled substances" were not included. The penalty for the first conviction of driving with blood alcohol content ten-hundredths of one percent or more remains at six points. The penalty for the second or subsequent conviction of either offense is twelve points.

(6) Driver Improvement Course - Staying of Points: A new subsection 4 of Section 302.302 requires the director of revenue, as of January 1, 1984, to put into effect a system of staying the points assessed when a driver has satisfactorily completed an approved driver improvement course ordered by the court. This staying of points applies only to specified offenses which do not include the offenses related to driving under the influence of alcohol or drugs.

"Every court having jurisdiction under the provisions of this subsection, shall, within fifteen days after completion of the driver improvement program by a chauffeur or operator, forward a record of completion to the director...The director shall establish procedures for record keeping and the administration of this subsection."

C. Section 565.005: Manslaughter

Amends the definition of manslaughter under Section 565.005 to include all killings not declared by law to be murder, excusable or justifiable homicide, or vehicular manslaughter.

D. Chapter 577: Public Safety Offenses.

Revisions and additions to statutes relating to driving under the influence of alcohol and drugs include:

(1) Definition of "Driving" and "Intoxicated Condition": Section 577.001 defines "drive," "driving," "operates," and "operating" as "physically driving or operating or being in actual physical control of a motor vehicle." The section specifies that a person is in an "intoxicated condition" when under the influence of alcohol, a controlled substance, or drug, or any combination of these.

(2) Crimes of Vehicular Manslaughter and Vehicular Injury: Section 577.005 defines the crime of vehicular manslaughter and sets the penalty as a class C felony. Section 577.008 defines the crime of vehicular injury and sets the penalty as class D felony.

(3) Criminal Penalties - DWI and Excessive Blood Alcohol Content: The criminal penalties for first, second, third and subsequent offenses of driving while intoxicated (DWI) have not been changed. However, the first DWI offense counts as a second offense if the person has a previous conviction for driving with excessive blood alcohol content. (Sections 577.010 and 577.023). Penalties for driving with excessive blood alcohol content have been brought in line with standard criminal code penalties. Thus, the first offense is now a class C misdemeanor, and subsequent offenses are a class A misdemeanor or a class D felony, depending on prior convictions. (Sections 577.012 and 577.023)

(4) Suspended Sentences and Prior Convictions: Among the additions to the laws governing suspension of sentences and evidence of prior convictions are:

(a) "...No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years." (Subsection 2 of Section 577.010) No similar language appears regarding driving with excessive blood alcohol content.

(b) For a second offense the court may not sentence the person to pay a fine in lieu of imprisonment or suspend the sentence. (Subsection 1 of Section 577.023)

(c) Evidence of prior convictions is to be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury. This evidence shall include, but is not limited to, evidence received by a search of the records of the Missouri uniform law enforcement system maintained by the Highway Patrol. (Subsection 2 of Section 577.023)

(d) "A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated where the defendant was represented by counsel or a conviction or plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state court shall be treated as a prior conviction." (Subsection 2 of Section 577.023)

(5) Chemical Tests for Alcohol or Drugs: Section 577.020 is revised to authorize tests of blood, saliva and urine in addition to breath tests and to allow testing for drug content of blood as well as alcohol. Implied consent to submit to such chemical tests is limited to not more than two tests arising from the same arrest, incident or charge. Other changes relate to methods and standards for performing the tests. Section 577.026 relating to approval of methods, equipment and standards by the Division of Health appears to duplicate subsections 3 and 4 of Section 577.020.

Section 577.029 requires that blood be withdrawn only by licensed physicians, nurses or trained medical technicians. This restriction does not apply to breath, saliva or urine tests. Under Section 577.033, a person who is dead or unconscious is deemed not to have withdrawn consent for the tests.

(6) Evidence Obtained from Chemical Tests: Provisions formerly in Section 577.030 regarding the admissibility of and presumptions arising from evidence obtained from chemical tests appear with little change in Section 577.037. A new subsection 4 requires that for these presumptions to apply, the test must have been performed as provided in Sections 577.020 to 577.041 and in accordance with methods and standards approved by the Division of Health.

(7) Arrests Without Warrants: Former Section 577.040 regarding arrests without warrants appears as Section 577.039. The new section authorizes arrest without a warrant under specified conditions for violations of Sections 577.012 (excessive blood alcohol content) as well as Section 577.010 (driving while intoxicated).

(8) Refusal to Submit to Chemical Tests: Former Section 577.050 regarding refusal to submit to chemical tests and the resulting revocation of license appears as Section 577.041.

(9) Alcohol or Drug Rehabilitation: As a condition for suspending sentence or in addition to other penalties, persons who plead or are found guilty of first offenses of violating Section 577.010 or 577.012 or county or municipal ordinances involving alcohol or drug related traffic offenses may be ordered by the court to complete at their own expense an alcohol or drug related traffic offender education or rehabilitation program. Such a program may be used as a condition for suspending a sentence only once. (Subsections 1 and 2 of Section 577.049)

"The clerk of the court which orders any person to participate in an alcohol education or rehabilitation program shall send a record of the participation and completion of the program to the Missouri state highway patrol for inclusion in the Missouri uniform law enforcement systems records."

(Subsection 3 of Section 577.049) NOTE: (Reporting requirements under this section become effective July 1, 1983.)

(10) Reporting of Alcohol or Drug Related Driving Offenses:

"A record of the final disposition in any court proceeding involving a violation of any of the provisions of Sections 577.005 to 577.023, or violation of county or municipal ordinances involving alcohol or drug related driving offenses, pleas of guilty, findings of guilty, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences and sentences of confinement, shall be forwarded to the Missouri state highway patrol within 15 days by the clerk of the court in which the proceeding was held and shall be entered by the highway patrol in the Missouri uniform law enforcement system records. The record forwarded by the clerk shall clearly show the court, the court case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto." (Subsection 1 of Section 577.051)

Records received by the Highway Patrol under this section are to be entered in the Missouri uniform law enforcement system records. They must be made available to law enforcement officers, prosecuting or circuit attorneys, and judges of municipal or state courts upon request. (Subsection 2 of Section 577.051)

"Any person required by this section to furnish records to the Missouri state highway patrol who willfully refuses to furnish such records shall be guilty of a class C misdemeanor." (Subsection 3 of Section 577.051)

"Records required to be filed with the Missouri state highway patrol under the provisions of sections 302.225 and 577.001 to 577.051, shall be filed beginning July 1, 1983, and no

penalties for nonfiling of records shall be applied prior to July 1, 1983." (Subsection 4 of Section 577.051)

Forms and procedures for filing records under Chapter 577 are to be promulgated by the Department of Public Safety and approved by the Supreme Court. (Subsection 5 of Section 577.051)

E. Summary of Effective Dates for SB 513.

Existing reporting requirements remain in effect until the effective dates of the following changes:

(1) Section 302.225: The change in reporting under this section becomes effective July 1, 1983.

(2) Section 302.302(4): Effective January 1, 1984, the director of revenue is to put in effect a system for staying the assessment of points by completion of a driver improvement program. Clerks have reporting duties under this provision.

(3) Records to be filed with the Highway Patrol under Sections 577.001 to 577.051 are to be filed beginning July 1, 1983. This includes reporting the completion of rehabilitation programs under Section 577.049 and reporting alcohol or drug related driving offenses under Section 577.051.

*Based on material prepared by staff of Committee on Legislative Research.

SENATE BILL 630
RELEASE OF PERSONS COMMITTED TO THE DEPARTMENT OF MENTAL HEALTH
DETAILED SUMMARY

SB 630 outlines procedures to be used for consideration of conditional release of persons committed to the Department of Mental Health under any of the provisions of Chapter 552 who have been acquitted by reason of mental disease or defect or found unfit to proceed to trial on charges of any sexual offenses or felony offenses against persons.

The head of any facility operated by the department shall notify the prosecutor of the court that ordered the person committed at least 15 days before the date of the proposed conditional release. The notice shall be sent to the court that ordered the person committed. If the prosecutor objects to the conditional release, he shall communicate the objections to the head of the facility. If the head of the facility seeks the release after consideration of the prosecutor's objections, he shall petition for a hearing in the court having probate jurisdiction over the mental health facility where the person is being detained. Copies of the application shall be served upon the person, the director of the Department of Mental Health, the prosecuting or circuit attorney of the county where the person was committed and the prosecutor or circuit attorney of the county where the person is being detained.

Within a reasonable period of time, not to exceed 60 days after the application is filed, the court shall hold a hearing. Factors to be considered are outlined in Section 552.090. Upon the hearing, the court shall deny the release if it determines by clear and convincing evidence that the person is likely to commit a sexual offense or other offense against a person while on the conditional release. Otherwise, the court shall approve the conditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of 90 days from denial of the application.

If the application is approved, the court shall order notice of the time and place of release to be given immediately to the law enforcement authorities of the city and county in which the confined person resided and the city and county where he is being released.

The provisions requiring a hearing shall not apply to the discharge of an accused person upon dismissal of charges as provided in Section 552.020 or the discharge of a convicted person upon the expiration of the term of his sentence, except that notice shall be given to law enforcement authorities of the city and county in which the confined persons resided and the city and county where he is being released of the time and place of release. The same notice must be given prior to the release of persons committed as criminal sexual psychopaths under statutes in effect prior to August 13, 1980.

*Reprinted, with minor additions, from bill summary prepared by Divisions of Research and Administration, Missouri Senate.

SCS/HCS/HBs 1171, 1173, 1306 and 1643
CHILD CARE AND FOSTER CARE

The act repeals 49 sections and enacts 44 new sections within Chapters 210 (Child Protection and Reformation), 211 (Juvenile Courts) and 453 (Adoption and Foster Care). The changes are so numerous that not all of them are discussed below. Following are some of the provisions affecting the courts:

Section 210.125 changes the procedure by which "protective custody" can be utilized. Those currently authorized by statute to take protective custody must first make an effort to request that the juvenile officer take the child into protective custody. Temporary protective custody, for the purposes of this section, is changed from 20 to 24 hours. Subsection 5 states that an abused or neglected child taken into temporary protective custody may not be detained in a secure detention facility.

Section 210.160 provides that the court may award guardian ad litem fees in child abuse or neglect cases as a judgment to be paid by any party, or may tax the fees as costs to be paid by the party against whom costs are taxed, or "from public funds." (Note difference from SB 722). However, fees cannot be taxed against a party not found to have abused a child. Employees of the Division of Family Services, officers of the court, and employees of other involved agencies are required to inform the guardian ad litem of all aspects of the neglect or abuse case, to provide the guardian with all relevant reports, and to provide access to relevant records.

Section 210.536 provides that the court shall evaluate the parent's ability to pay all or part of the cost of foster care and provides the court with a means of effectuating such an order of payment.

Under Section 210.710, when a child has been placed in the care of an authorized agency by a parent, guardian or relative, and the child has remained in an agency or agencies' care for a continuous period of six months, the agency is to petition the court for a review. A written report of the status of the child is to be presented to the court. The court shall review the status of the child and may hold a dispositional hearing to determine whether the child should be returned to the parent, guardian, or relative, continued in foster care, or whether proceedings should be instituted to terminate parental rights and legally free the child for adoption.

Section 210.720 provides mandatory dispositional hearings for all children placed in foster care by the court or placed in the custody of an authorized agency by the court. A written report

shall be filed with the court every six months after placement and a dispositional hearing is to be held within 18 months of initial placement and annually thereafter. In the case of children continued in foster care, Section 210.730 requires the court to review the status of the child whenever it deems necessary or desirable, but at least once every six months. Section 210.760 provides that before a child is removed from foster care, the Division of Family Services must provide the persons providing the care with five days' notice and a written statement of the reasons for the removal.

Section 211.041 provides that a juvenile court may retain jurisdiction on a child until the age of 21, except if the child violates a state law or municipal ordinance after becoming 17, the child shall be prosecuted under general law. "The juvenile court shall have no jurisdiction with respect to any such violation and, so long as it retains jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such violation."

Section 211.322 requires the juvenile division of the circuit court to report specified information to the Division of Youth Services.

Other revisions of Chapter 211 and Chapter 452 address conditions that must exist for the filing of a petition to terminate parental rights and make changes regarding adoptions. Subsection 3 of Section 453.030 provides that unless otherwise provided in Section 453.040, the consent of the parents is required when the person sought to be adopted is under 18 years. Formerly the age was 21.

EXCERPTS

HCS/HBs 1720, 1645 & 1276
STATE HEALTH INSURANCE & RETIREMENT SYSTEMS

- 104.345(6). "Any circuit, deputy circuit or division clerk not granted prior service credit for an amount of service rendered as a magistrate, probate, deputy circuit, division, or circuit clerk prior to becoming a member is entitled to prior service credit for such amount of service. The aggregate amount of prior service credit granted pursuant to this subsection of this section shall not exceed eight years. A person seeking prior service credit under this subsection shall make application to the board for the prior service credit within ninety days of August 13, 1982. The prior service credit shall be used in the determination of eligibility for benefits under the provisions of sections 104.310 to 104.612, but not in determining the amount of benefits. The prior service credit shall not be used for the purposes of computing the minimum benefit provided by section 104.615."
- 104.345(7). "The creditable service accrued after the date of an employee's membership in this system shall be used in determining the amount of such employee's benefits under the provisions of sections 104.310 to 104.615. In the cases of circuit clerks, deputy circuit clerks, or division clerks receiving prior service credit under the provisions of subsections 5 or 6 of this section, such clerks may also receive creditable prior service credit for service rendered to a city or county as a circuit clerk, deputy circuit clerk, or division clerk if and to the extent that the county or city pays to the Missouri State employees' retirement system an amount determined by the board to actuarially fund the creditable prior service of the clerk receiving credit therefor. Nothing in this chapter shall be construed so as to prevent a clerk from making payments to the city or county as reimbursement for any or all the amounts paid to the Missouri state employees' retirement system to establish creditable prior service credit for that clerk. Counties shall notify the board of their intention to contribute under the provisions of this subsection within eighteen months after August 13, 1982."